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Specially appearing for
Federal Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EUREKA DIVISION

BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT, a public agency, Plaintiff, v. UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT; JOSEPH SHUNK, Defendants.	No. C12-5576 NJV STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT AND CONTINUING INITIAL CASE MANAGEMENT CONFERENCE

The parties previously stipulated that the defendants would have an extension of time to December 31, 2012 to answer, move, or otherwise respond to the Complaint for Injunctive Relief ("Complaint") in this action if certain partial production of documents was done. That production was done, and defendant USDA committed to a further rolling production with the plan of completing the response and production relating to plaintiff's Freedom of Information Act ("FOIA") request by January 18, 2013. Accordingly, the parties submitted a second stipulation to the court on or about December 18, 2012, requesting an extension of time for the defendant's response to the complaint to January 31, 2013, and a continuance of the case management conference to February 26, 2013.

USDA believes that it has completed the production of the documents responsive to the underlying FOIA request, including describing the limited redactions done and exemptions claimed. Plaintiff's counsel has some remaining questions which counsel for both parties are attempting to resolve. If those issues are resolved, the parties remain hopeful that this case may be dismissed.

In order to allow for the resolution of what both parties hope are the last remaining issues relating to the FOIA request, the parties wish to further extend the deadline for defendants' response to the Complaint, as well as the initial case management conference, currently scheduled for February 26, 2013.

Accordingly, pursuant to Civil Local Rule 6-1(a), the parties to this action hereby stipulate and request that the defendants shall have an extension of time to March 1, 2013 to answer, move, or otherwise respond to the Complaint.

The parties further stipulate and request that the initial case management conference, currently scheduled to take place on February 26, 2013, be continued to March 26, 2013, and that the related case management dates be continued accordingly.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: January 30, 2013

NEARY and O'BRIEN

/s/ Christopher J. Neary

CHRISTOPHER J. NEARY
Attorney for Plaintiffs

DATED: January 30, 2013

MELINDA HAAG
United States Attorney

/s/ Claire T. Cormier

CLAIRE T. CORMIER[1]
Assistant United States Attorney

[1] I, Claire T. Cormier, hereby attest that Mr. Neary authorized me to electronically sign this document on his behalf.

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing, the deadline for defendants to answer, move, or otherwise respond to the Complaint in this action is extended to March 1, 2013. The initial case management conference is continued to March 26, 2013, and other case management deadlines are extended accordingly.

DATE: _____, 2013

NANDOR J. VADAS
United States Magistrate Judge